IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 17289 of 2007(G)

PETITIONER:

SONY M.J.,
SELECTION GRADE LECTURER, ZOOLOGY,
ST.CYRIL'S COLLEGE, ADOOR, NOW ON WORKING
ARRANGEMENT IN GOVERNMENT VOCATIONAL HIGHER
SECONDARY SCHOOL, NEDUMON, PATHANAMTHITTA DIST.

BY ADV. SRI.R.RAJASEKHARAN PILLAI

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR,
VOCATIONAL HIGHER SECONDARY, TRIVANDRUM.

3. THE PRINCIPAL,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
NEDUMON, PATHANAMTHITTA.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.17289 OF 2007

Dated this the 6th day of June, 2007

JUDGMENT

Petitioner is now working as non-vocational teacher in Biology in Government Vocational Higher Secondary School at Nedumon in Pathanamthitta district. By Ext.P3 order dated May 26, 2007 petitioner has been ordered to be transferred to Government Vocational Higher Secondary School at Peruva in Kottayam district. It is contented by the petitioner that the order of transfer is totally illegal and vitiated, primarily for two reasons:

(a) being the teacher working on deputation from an aided private college, she is not liable to be transferred.

(b) the transfer is sought to be effected to accommodate fresh hands and that too on a temporary basis. There is nothing to indicate in Ext.P3 order that it is for any administrative exigency.

2. I do not propose to deal with these contentions in view of the limited prayer made by learned counsel for the petitioner at the Bar. He submits that petitioner will be satisfied, if respondent no.2 is directed to take a decision on Ext.P6 representation submitted by the petitioner in which she has highlighted all her grievances and all the relevant aspects of the issue.

3. Learned Government Pleader submits that Ext.P3 order is perfectly legal and valid. However, an appropriate decision on Ext.P6 will be taken without any delay, if it has been preferred as contented by the petitioner.

4. In the above facts and circumstances, writ petition is disposed of with a direction to respondent No.2 to consider and pass orders on Ext.P6 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment. Needless to mention that petitioner shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.2 for compliance. Ext.P3 order, to the extent it relates to the petitioner, shall be kept in abeyance till June 20, 2007.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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